

Law Office of Gary G. Norris

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*****Sent regular mail and certified mail, return receipt requested*****

December 22, 2014


Corporation Service Company
Attn: Registered Agent
285 Liberty Street NE
Salem, OR 97301

Re: *Julie Wellbrock individually, and as conservator for the Estate of Luke Wellbrock, her
minor son v. American Family Mutual Insurance Company*
Multnomah County Case No.: 14CV20039

To Whom It May Concern:

Enclosed is a Summons and a copy of Suit for Declaratory Judgment Pursuant to ORS 28.010 et. seq. This is intended to effect service pursuant to ORCP 7.

Sincerely,



Gary G. Norris
GGN: ack
Enclosures

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JULIE WELLBROCK individually, and as) Case No.: 14CV20039
conservator for the Estate of Luke Wellbrock,)
her minor son,) SUMMONS

Plaintiffs,

v.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY
Defendant.

TO: Corporation Service Company, Registered Agent, 285 Liberty Street NE, Salem, Oregon 97301.

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiffs will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer". The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiffs' attorney or, if the plaintiffs do not have an attorney, proof of service upon the plaintiffs.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

STATE OF OREGON)
) ss.
County of Yamhill)

I, the undersigned attorney of record for the plaintiffs, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

GARY G. NORRIS, OSB#823552
ATTORNEY FOR PLAINTIFF

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

GARY G. NORRIS, OSB#823552
ATTORNEY FOR PLAINTIFF

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JULIE WELLBROCK individually, and as) Case No.:
conservator for the Estate of Luke Wellbrock,)
her minor son,)
Plaintiffs,)
v.)
AMERICAN FAMILY MUTUAL)
INSURANCE COMPANY)
Defendant.)

SUIT FOR DECLARATORY JUDGMENT
PURSUANT TO ORS 28.010 et. seq.

1.

2.

3.

1 At all material times Defendant had in force and effect a policy of automobile
2 insurance for its named insured, Stirling Wine Grapes Incorporated. A copy of the policy is
3 attached as Exhibit 1.

4.

5
6 On or about March 6, 2014, James Frederick Sherman Jr. was operating an F-150
7 pickup truck in Carlton, Oregon. The pickup was a listed vehicle under the subject policy, for
8 which specific premium had been paid. Mr. Sherman was a permissive user of the vehicle.

5.

9
10 On March 6, 2014 Mr. Sherman hit Luke Wellbrock and Julie Wellbrock while they
11 were lawfully in a marked crosswalk on E. Main Street in downtown Carlton, seriously
12 injuring both of them, and killing their family dog instantly.

6.

15 As a result of their injuries, Julie Wellbrock, as conservator for Luke Wellbrock, and
16 on her own behalf individually, filed an action for bodily injuries in Yamhill County Circuit
17 Court entitled *Julie Wellbrock individually, and as conservator for the Estate of Luke*
18 *Wellbrock, her minor son v. James Frederick Sherman, Jr., and American Family Mutual*
19 *Insurance Company* case number 14CV14840. A copy of Plaintiff's Amended Complaint is
20 attached as Exhibit 2.

7.

23 The subject policy provides coverage for the bodily injuries, and economic and non-
24 economic damages sustained by Plaintiffs. However, notwithstanding that, and despite having
25

26 Page 2 of 3 SUIT FOR DECLARATORY JUDGMENT PURSUANT TO ORS
27 28.010 et. seq.

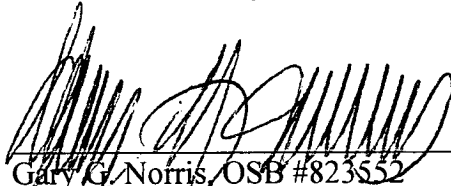
1 been put on notice of this claim approximately six months ago, American Family has failed
 2 and refused to acknowledge that coverage exists for Plaintiffs injuries and this accident.
 3 Because of the company's refusal to so acknowledge coverage, a justiciable controversy exists
 4 between Plaintiffs and Defendant, and this court is empowered pursuant to ORS 28.010 et seq.
 5 to determine the rights and obligations of Plaintiffs and Defendant, under the subject policy.
 6

7 WHEREFORE, Plaintiffs pray for relief as follows:

- 8 1. For a judgment declaring that at the time the accident occurred, James F.
 9 Sherman Jr. was a permissive user of the subject truck.
- 10 2. For a judgment declaring that the subject policy provides coverage for
 11 Plaintiffs' damages up to the applicable limits.
- 12 3. For Plaintiffs' costs and disbursements incurred herein.
 13

14
 15 DATED this 19 day of December, 2014.

16 Law Office of Gary G. Norris

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 18 
 19 Gary G. Norris, OSB #823552
 20 Trial Attorney for Plaintiffs
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